

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL WAYNE WARREN,
TDCJ No. 2247222,

Petitioner,

V.

DIRECTOR, TDCJ-CID,

Respondent.

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No. 3:21-cv-787-M-BN

**ORDER WITHDRAWING EXHAUSTION FINDINGS,
CONCLUSIONS, AND RECOMMENDATION**

Petitioner Michael Wayne Warren, a Texas prisoner, is currently incarcerated for his 2019 Johnson County conviction for assault/family violence enhanced by a prior conviction. *See* Dkt. No. 3 at 2-3. Proceeding *pro se*, he now seeks habeas relief under 28 U.S.C. § 2254. *See generally id.*

Chief Judge Barbara M. G. Lynn referred Warren's habeas application to the undersigned United States magistrate judge for pretrial management under 28 U.S.C. § 636(b) and a standing order of reference.

Because Warren's application indicates that he neither petitioned the Texas Court of Criminal Appeal (the CCA) for discretionary review or pursued stated habeas relief, *see* Dkt. No. 3 at 3-4, the undersigned entered findings of fact and conclusions of law recommending that, under Rule 4 of the Rules Governing Section 2254 Cases, the Court dismiss Warren's Section 2254 petition without prejudice to Warren's right to fully and properly exhaust state remedies [Dkt. No. 5] (the Exhaustion FCR).

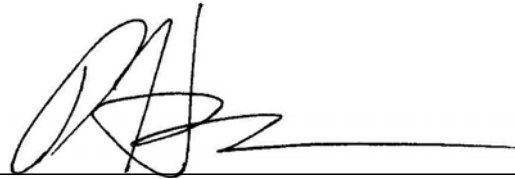
Warren has now filed objections, attaching to this filing correspondence from the CCA indicating that a state habeas petition was filed there. *See* Dkt. No. 6. And the Court takes notice that the CCA has, in fact, recently denied two state habeas petitions that Warren filed without written order. *See Ex parte Warren*, WR-91,455-01, -02 (Tex. Crim. App. Mar. 10, 2021).

The Court therefore WITHDRAWS the Exhaustion FCR [Dkt. No. 5].

The Clerk of Court shall serve electronically a copy of this order on the Texas Attorney General as counsel for Respondent, directed to the attention of Edward L. Marshall, Chief, Criminal Appeals Division, Texas Attorney General's Office. *See* RULE 4, RULES GOVERNING SECTION 2254 CASES IN THE UNITED STATES DISTRICT COURTS.

SO ORDERED.

DATED: May 5, 2021

A handwritten signature in black ink, appearing to read 'D. Horan', with a long horizontal line extending to the right.

DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE